

Amendment Under 37 C.F.R. § 1.116
USSN 10/038,586
Attorney Docket Q67753

REMARKS

The title has been amended to more clearly indicate the invention to which the claims are directed. The title as amended now includes the safety feature, namely the pressure sensitive safety switch.

The Abstract of the Disclosure has been amended to overcome the objection set forth in the last Office Action. Three sheets of formal drawings are submitted herewith containing figures 1-5 inclusive. Figures 1, 3 and 5 have been amended in accordance with the changes previously approved.

In the last Office Action claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 2 was further rejected under 35 U.S.C. § 103 as being unpatentable over the admitted prior art in figure 1 in view of Miller. Claim 2 has been canceled without prejudice in order to advance the prosecution of the present application and new claim 3 has been substituted therefore. Reconsideration and allowance of the application are respectfully requested in view of the following remarks.

New claim 3 specifically calls for a pressure sensitive element disposed in a compartment and a longitudinal projection protruding centrally from the transverse base portion into the compartment in engagement with said pressure sensitive element at a point in spaced relation to opposite edges of said pressure sensitive element to maintain the pressure sensitive element spaced from transverse abase portion whereby upon application of pressure to said compartment by an obstruction located between said closure element and the weather strip the pressure element will be deformed about the projection to bring the electrically conductive strips into contact with each other.

While the prior art embodiment of figures 1-4 inclusive discloses the same pressure sensitive element utilized in figure 5 which is directed to the present invention the location of the projection is entirely different in figure 5 from the previous embodiment of figures 1-4. More specifically the projection protrudes centrally from the transverse base portion into the compartment in figure 5 whereas the projection was previously located on a wall member disposed in spaced apart relation to the transverse base portion. In the prior art embodiment of figures 1-4 the projection could easily be pushed to one side or the other so that it would not be centered on the middle of the pressure sensitive element to achieve the necessary deformation of the pressure sensitive element to bring the conductive strips into contact with each other.

The present invention as defined in new claim 3 specifically brings out the fact that the projection is not only located differently from the prior art embodiment but contacts the pressure sensitive element at a point in spaced relation to opposite sides of the pressure sensitive element so that the pressure sensitive element will be deformed about the projection. Such a feature is not disclosed or even remotely suggested by the patent to Miller which was relied upon by the Examiner for the first time in the Final Rejection. In the patent to Miller the two spaced apart contact strips are fully supported along their entire length and width by longitudinally extending ribs or tongues (28, 40). Thus no deformation of the electrically conductive strips takes place in Miller. They are fully supported so that the electrically conductive strip (42) is displaced generally normal to the base contact (27) for maximizing contacting engagement therewith. (Column 4, lines 17-20). This would necessary follow from the environment in which the switch construction is used, namely along the bottom edge of an overhead door. Thus the electrical strip

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(42) of Miller will be moved along its entire length when the switch member is moved into engagement with the floor beneath the overhead door.

It is submitted that the additional limitation added to claim 3 to bring out the fact that the pressure sensitive element is engaged by the longitudinal projection at a point in spaced relation to opposite edges of the pressure sensitive element, does not raise a new issue in view of the fact that claim 2 specifically called for the longitudinal projection protruding centrally from the transverse base portion into the compartment in engagement with the pressure sensitive element to maintain the pressure sensitive element spaced from the transverse base portion whereby upon application of pressure to the compartment by an obstruction located between the closure element and the pressure strip, the pressure sensitive element will be deformed about the projection to bring the electrically conductive strips into contact with each other. Such a deformation of the pressure sensitive element about the projection clearly infers that the projection had to be spaced from the opposite edges of the strip. Therefore it is submitted that new claim 3 does not raise any new issues requiring further search or consideration.

In view of the foregoing distinctions set forth in claim 3 it is clear that claim 3 would not be the least bit obvious in view of the prior art teachings of original figures 1-4 inclusive in view of the teachings of Miller. Therefore it is respectfully requested that claim 3 be allowed and the application passed to issue forthwith.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner

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is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,



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